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7
8 BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10

11 In the Matter of the Petition to)	NO. D-4934
12 Revoke Probation Against:)	
13 MICHAEL HMURA, M.D.,)	DEFAULT DECISION
14 6333 Wilshire Blvd., Suite 502)	
15 Los Angeles, California 90048)	[Gov. Code §11520]
16 Physician and Surgeon's)	
17 Certificate No. G-23983)	
18 Respondent.)	

19

FINDINGS OF FACT

20

21 1. On or about September 10, 1992, Complainant,
22 Kenneth J. Wagstaff, in his official capacity as Executive
23 Director of the Medical Board of California, Department of
24 Consumer Affairs, State of California (the "Board"), filed
25 Petition to Revoke Probation No. D-4934 against Michael Hmura,
26 M.D. (the "respondent").

27

28 2. On or about September 10, 1992, Karen Kruger, an
29 employee of the Medical Board of California, sent by certified
30 mail a copy of Petition to Revoke Probation No. D-4934, Statement

1 to Respondent, Government Code sections 11507.5, 11507.6, and
2 11507.7, Notice of Defense forms, and a Request for Discovery to
3 respondent's address of record with the Board which was and is
4 6333 Wilshire Blvd., Suite 502, Los Angeles, California 90048.
5 A copy of the Petition to Revoke Probation No. D-4934, and the
6 pleading packet documents, proof of services and receipt for
7 certified mail are attached hereto as "Appendix A," and they are
8 incorporated here as if fully set forth here. Neither the return
9 receipt nor the pleading packet have been returned by the postal
10 service.

11 3. The above-described service was effective as a
12 matter of law pursuant to the provisions of California Government
13 Code section 11505, subdivision (c).

14 4. In addition to mailing the Petition to Revoke
15 Probation to the respondent's last known address of record with
16 the Board, Investigator Michael E. Zauss conducted an
17 investigation to locate the respondent. These efforts, which
18 were unsuccessful, included contacting respondent's attorney as
19 well as skip tracing. See Declaration of E. A. Jones, III,
20 attached as "Appendix B" and incorporated herein as if fully set
21 forth here.

22 5. On or about July 25, 1991, Investigator Michael E.
23 Zauss was advised by letter from Robert H. Gans, M.D., counsel
24 for respondent, that Mr. Gans had lost contact with the
25 respondent and did not know where he is located. See Declaration
26 of E. A. Jones, III, attached as "Appendix B" and incorporated
27 herein as if fully set forth here.

1 6. On or about January 26, 1973, the Board issued
2 Physician and Surgeon's Certificate No. G-23983 to respondent
3 Michael Steven Hmura, M.D. At all times relevant to the charges
4 brought herein, the license has been in delinquent status since
5 April 4, 1988 due to non-payment of renewal fees. In addition,
6 on March 25, 1987 an accusation was filed against respondent and
7 on May 11, 1988 a decision became effective which revoked
8 respondent's certificate, stayed the revocation and ordered five
9 years probation with terms and conditions, including a 45 day
10 suspension. One of the terms and conditions of probation
11 required respondent to comply with the probation surveillance
12 program of the Division of Medical Quality of the Board,
13 including keeping the Board apprized of his current address.

14 7. Business and Professions Code section 118 provides,
15 in pertinent part:

16 "(b) The suspension, expiration, or forfeiture by
17 operation of law of a license issued by a board in the
18 department, or its suspension, forfeiture, or cancellation
19 by order of a court of law, or its surrender without written
20 consent of the board, shall not, during any period in which
21 it may be renewed, restored, reissued, or reinstated,
22 deprive the board of its authority to institute or continue
23 a disciplinary proceeding against the licensee upon any
24 ground provided by law or to enter an order suspending or
25 revoking the license or otherwise taking disciplinary action
26 against the license on any such ground."

27 8. Government Code section 11506 provides, in

1 pertinent part:

2 "(b) The respondent shall be entitled to a hearing on
3 the merits if he files a notice of defense, and any such
4 notice shall be deemed a specific denial of all parts of the
5 accusation not expressly admitted. Failure to file such
6 notice shall constitute a waiver of respondent's right to a
7 hearing, but the agency in its discretion may nevertheless
8 grant a hearing"

9 9. Respondent failed to file a Notice of Defense
10 within 15 days after service of the Petition to Revoke Probation
11 upon his last known address of record, he has failed to keep the
12 Board apprized of any changes in that address and, therefore, has
13 waived his right to a hearing on the merits of Petition to Revoke
14 Probation No. D-4934.

15 10. Government Code section 11520 provides, in
16 pertinent part:

17 "(a) If the respondent fails to file a notice of
18 defense or to appear at the hearing, the agency may take
19 action based upon the respondent's express admissions or
20 upon other evidence and affidavits may be used as evidence
21 without any notice to respondent;"

22 11. Pursuant to its authority under Government Code
23 section 11520, and based on the evidence before it, the Board
24 finds that the respondent is in default, he has waived his right
25 to a hearing to contest the allegations in the Petition to Revoke
26 Probation. The Board will take action without further hearing
27 and, based on the evidence before it, finds that the allegations,

1 and each of them, contained in the Petition to Revoke Probation
2 No. D-4934 are true.

3 DETERMINATION OF ISSUES

4 1. Respondent Michael Hmura, M.D. has subjected his
5 physician and surgeon's certificate to revocation by reason of
6 the Finding of Facts numbers 1 through 11, above.

7 2. Service of the Petition to Revoke Probation No. D-
8 4934 and related documents was proper.


9 3. The Board has jurisdiction to adjudicate the
10 matter by default.

11
12 ORDER OF THE BOARD

13 Physician and Surgeon's Certificate No. G-23983,
14 heretofore issued to respondent Michael Hmura, M.D., is hereby
15 revoked. An effective date of July 16, 1993, has been
16 assigned to this Order.

17 Pursuant to Government Code section 11520, subdivision
18 (b), respondent is entitled to make any showing by way of
19 mitigation prior to and including the effective date of this
20 decision.

21 Made this 16th day of June, 1993.

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23 
24 FOR THE MEDICAL BOARD OF CALIFORNIA
25 DIVISION OF MEDICAL QUALITY

26 Attachments: Appendices A and B
27 a:\jones6\hmura.dd

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8
9 BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
11

12 In the Matter of the Petition to)
Revoke Probation Against:)

NO. D-4934

13 MICHAEL HMURA, M.D.)
14 6333 Wilshire Blvd. Suite 502)
Los Angeles, California 90048)

PETITION TO REVOKE
PROBATION

15 Physician and Surgeons)
16 Certificate No. G-23983)

17 Respondent.)
18

19 The Complainant alleges:

20 1. Complainant, Kenneth J. Wagstaff, is the Executive
21 Director of the Medical Board of California (hereinafter the
22 "Board") and brings this petition to revoke probation solely in
23 his official capacity.

24 2. On or about January 26, 1973, the Board issued
25 physician and surgeon's certificate number G-23983 to Michael
26 Hmura, M.D. (hereinafter "respondent"), and at all times relevant
27 to the charges brought herein, said certificate has been in full

1 force and effect. On or about March 25, 1987, an Accusation was
2 filed against respondent alleging unprofessional conduct. On or
3 about April 11, 1988, respondent's license was placed under
4 disciplinary order imposed by the Division of Medical Quality in
5 its decision in case number D-3621 (hereinafter the "Decision").
6 The license was ordered revoked, the revocation was stayed and
7 respondent's license was placed on probation for a period of five
8 years from and after May 11, 1988, subject to various terms and
9 conditions. A true copy of the Decision is attached hereto as
10 Annex "A" and incorporated herein.

11
12 JURISDICTION
13

14 3. This Petition to Revoke Probation is brought under
15 the authority of the following sections of the Business and
16 Professions Code (hereinafter the "Code"):

17 4. Section 2227 of the code provides that the Board
18 may revoke, suspend for a period not to exceed one year, or place
19 on probation, the license of any licensee who has been found
20 guilty under the Medical Practice Act.

21 5. The Decision in case number D-3621 was based on a
22 March 25, 1987 Accusation which alleged, and respondent admitted
23 at paragraph 7 of the Decision, that he is subject to
24 disciplinary action pursuant to sections 2234, subdivision (e)
25 and 2261 of the Code in that he (1) had engaged in unprofessional
26 conduct by the commission of acts involving dishonesty or
27 corruption which are substantially related to the qualifications,

1 functions, or duties of a physician and surgeon and (2) by
2 knowingly making or signing documents directly or indirectly
3 related to the practice of medicine which falsely represented the
4 existence of a state of facts as more particularly set forth in
5 the Accusation.

6 6. The Decision states at paragraph 8J that
7 [i]f respondent violates probation in any respect, the
8 Division, after giving notice and opportunity to be heard,
9 may revoke probation and carry out the disciplinary order
10 that was stayed. If an accusation or petition to revoke
11 probation is filed against respondent during probation, the
12 Division shall have continuing jurisdiction until the matter
13 is final, and the period of probation shall be extended
14 until the matter is final.

15 7. The conditions of the probation included the
16 following subsections of paragraph 8:

17

18 B. Respondent shall take and successfully complete a
19 course in Medical Ethics. Within 60 days of the effective
20 date of this decision, respondent shall select and submit a
21 course to the Division for its prior approval. Following
22 the completion of the course, the Division or its designee
23 may administer an examination to test respondent's knowledge
24 of the course.

25 C. Respondent shall make restitution to the John O.
26 Bronson Company in the amount of \$1,650.

27

1 E. Respondent shall submit quarterly declarations under
2 penalty of perjury on forms provided by the Division,
3 stating whether there has been compliance with all of the
4 conditions of probation.

5 F. Respondent shall comply with the Division's probation
6 surveillance program.

7 G. Respondent shall appear in person for interviews with
8 the Division's medical consultant upon request at various
9 intervals and with reasonable notice.

10
11 FIRST CAUSE OF ACTION
12

13 8. Respondent Michael Hmura, M.D., has subjected his physician
14 and surgeon certificate to revocation by his failure to comply
15 with five different conditions of the terms of probation as
16 prescribed by paragraph 8 of the Decision in case number D-3621.
17 Respondent has violated the terms and conditions of his probation
18 as follows:

19 a. He has failed to complete an ethics course as
20 required in paragraph 8B of the Decision;

21 b. He has failed to make restitution to the John O.
22 Bronson Company in the amount of \$1,650, as required in
23 paragraph 8C of the Decision;

24 c. He has failed to submit quarterly declarations as
25 required under paragraph 8E of the Decision;

26 d. He has not complied with the Division's
27 Surveillance Program's requirements as required under

1 paragraph 8F of the Decision;

2 e. He has not appeared for interviews on request, and
3 has not given his current address to the Board or to his
4 attorney, as required by paragraph 8G of the Decision.

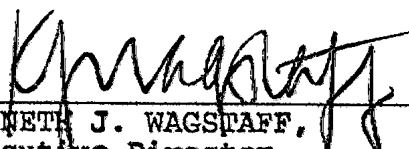
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6 PRAYER

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8 WHEREFORE, Complainant prays that a hearing be held on the
9 matters herein alleged, and that following the hearing, the Board
10 issue a decision:

11 1. Suspending or revoking physician and surgeon's
12 certificate number G-23983, heretofore issued to respondent
13 Michael Hmura, M.D.; and

14 2. Taking such other action as is just and proper.

15 DATED: September 10, 1992

16
17 
18 KENNETH J. WAGSTAFF,
19 Executive Director
20 California Medical Board
21 Department of Consumer Affairs
22 State of California

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26
27
Complainant

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)
MICHAEL HMURA, M.D.)
License No. G-023983)
Respondent.)

NO. D-3621

DECISION

The attached Stipulation is hereby adopted by the
Division of Medical Quality of the Board of Medical Quality
Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on _____
May 11, 1988.

IT IS SO ORDERED April 11, 1988.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



THERESA CLAASSEN
Secretary / Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California.

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9 Attorneys for Complainant

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BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
12 Against:)

No. D-3621

13 MICHAEL HMURA, M.D.)
14 87 Scripps Drive, Suite 320)
15 Sacramento, CA 95825)

STIPULATION IN
SETTLEMENT

16 License No. G-023983)

Respondent.)

17 Respondent Michael Hmura, M.D., through his counsel
18 Robert Gans, and the Board of Medical Quality Assurance,
19 Division of Medical Quality, through its counsel Deputy Attorney
20 General Jana L. Tuton do hereby enter into the following
21 stipulation:

22 1. Kenneth J. Wagstaff, Executive Director of the Board
23 of Medical Quality Assurance of the State of California
24 (hereinafter "Board") filed accusation number D-3621 solely in
25 his official capacity.

26 2. On or about January 26, 1973, the Board issued
27 physician and surgeon certificate number G-023983 to Michael

1 Hmura (hereinafter "respondent"): At all times mentioned herein
2 said license has been and now is in full force and effect.

3 3. The accusation, form notice of defense, statement to
4 respondent, copies of Government Code sections 11507.5, 11507.6,
5 and 11507.7 were duly and properly served on respondent on or
6 about March 25, 1987. On or about June 1, 1987, a default
7 decision was issued against respondent. On August 19, 1987,
8 upon motion by respondent, the default decision was vacated.

9 4. Respondent has read and understands the charges
10 contained in the Accusation. Respondent understands that said
11 charges, if found to be true, constitute cause for disciplinary
12 action. Respondent has counseled with Mr. Gans concerning the
13 charges and allegations contained in the Accusation and the
14 effect of this stipulation.

15 5. Respondent understands that he has a right to a
16 hearing on the charges contained in the accusation, to
17 reconsideration, to appeal, and to any and all rights accorded
18 him by the Administrative Procedure Act and Code of Civil
19 Procedure. Respondent hereby freely and voluntarily waives
20 those rights in order to enter into this stipulation as a
21 resolution of the pending Accusation against him.

22 6. It is expressly understood by the parties that the
23 admissions made herein are for the purposes of this proceeding
24 or other proceeding before the Board and may not be used for any
25 other purpose.

26 7. Subject to the proviso in item 6 above, respondent
27

1 admits that the allegations contained in the Accusation are true.

2 8. Based on the waivers and admissions made herein, the
3 Division of Medical Quality of the Board may issue the following
4 decision:

5 Physician and surgeon certificate number G-023983
6 heretofore issued to Michael Hmura, M.D., is hereby revoked;
7 provided, however, that said revocation is stayed, and respondent is
8 placed on probation for a period of five (5) years upon the
9 following terms and conditions:

10 A. As part of probation, respondent is suspended from
11 the practice of medicine for 45 days beginning the effective date of
12 this decision.

13 B. Respondent shall take and successfully complete a
14 course in Medical Ethics. Within 60 days of the effective date of
15 this decision, respondent shall select and submit a course to the
16 Division for its prior approval. Following the completion of the
17 course, the Division or its designee may administer an examination
18 to test respondent's knowledge of the course.

19 C. Respondent shall make restitution to the John O.
20 Bronson Company in the amount of \$1,650.

21 D. Respondent shall obey all federal, state and local
22 laws and all rules governing the practice of medicine in California.

23 E. Respondent shall submit quarterly declarations under
24 penalty of perjury on forms provided by the Division, stating

25 /////

26 /////

1 whether there has been compliance with all of the conditions of
2 probation.

3 F. Respondent shall comply with the Division's probation
4 surveillance program.

5 G. Respondent shall appear in person for interviews with
6 the Division's medical consultant upon request at various
7 intervals and with reasonable notice.

8 H. In the event that respondent should leave California
9 to reside or practice outside the State, respondent must notify
10 the Division in writing of the dates of departure and return.
11 Periods of residency or practice outside California will not
12 apply to the reduction of the probationary period.

13 I. Upon successful completion of probation, respondent's
14 certificate will be fully restored.

15 J. If respondent violates probation in any respect, the
16 Division, after giving notice and opportunity to be heard, may
17 revoke probation and carry out the disciplinary order that was
18 stayed. If an accusation or petition to revoke probation is
19 filed against respondent during probation, the Division shall
20 have continuing jurisdiction until the matter is final, and the
21 period of probation shall be extended until the matter is final.

22 K. Respondent may petition the Board for reduction of
23 penalty after one year has elapsed from the effective date of
24 this decision.

25 9. If this stipulation is not adopted by the Division,
26 it shall have no force or effect on any party.

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DATED: 2/25/88


JOHN K. VAN DE KAMP, Attorney General
of the State of California
JANA L. TUTON
Deputy Attorney General



JANA L. TUTON
Deputy Attorney General

Attorneys for Complainant

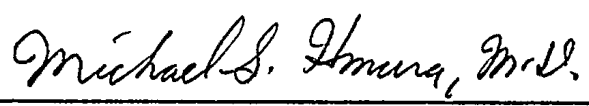
DATED: 2/25/88



ROBERT GANS, ESQ.

Attorney for Respondent

DATED: 2/14/88



MICHAEL HMURA, M.D.

Respondent

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